



44 Winter Street, 4th Floor • Boston, MA 02108 • 617-747-3462 (ph) • 617-292-8057 (fax)
toxicsaction@toxicsaction.org • www.toxicsaction.org

Robert Sydney
General Counsel
Massachusetts Division of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

RE: Comments in Response to June 2, 2006 Proposed Revisions to RPS/Biomass Regulations and Guideline on RPS Eligibility of Biomass Generation Units

Dear Mr. Sydney:

Thank you for providing Toxics Action Center the opportunity to comment on the Division of Energy Resources' (DOER or "the Division") June 2, 2006 Proposed Revisions to the Regulations for the Massachusetts Renewable Energy Portfolio Standard (225 CMR 14.00) and Draft Guideline on the RPS Eligibility of Biomass Generation Units ("the Guideline").

Toxics Action Center is a non-profit, public health and environmental organization. Since 1987, we have worked side by side with over 500 neighborhood groups across New England to help fight and prevent toxic pollution in their communities. We believe that the Massachusetts Renewable Energy Portfolio Standard (RPS) is critical for promoting the development of new and clean renewable energy generation, but we are very concerned at the inclusion of construction and demolition (C&D) wood in the list of Eligible Biomass Fuel Sources and request that C&D wood, wood pallets, and treated wood of all kinds be removed from the list of Eligible Biomass Fuel Sources as defined in Section 14.02 of the Proposed Revisions to the RPS, 225 CMR 14.00, and that wood be defined as "virgin." We have seen no evidence of effective sorting of C+D waste materials and cannot endorse this proposal. The wood currently proposed to burn as renewable energy fuel is potentially toxic and harmful to our health and the environment.

In revising eligible biomass fuel to include the burning of C&D wood, the Division threatens the health and safety of Massachusetts residents. One of the most dangerous parts of our waste stream is construction and demolition debris, or C&D waste. Demolition waste is, generally speaking, the waste generated by demolishing buildings and structures. C&D waste includes wood, which often is contaminated by lead paint and other chemicals. As a result, burning C&D wood poses serious threats to our health, our children's health, and our environment because it produces toxic fumes and releases emissions of lead, mercury, cadmium, arsenic and dioxins.

The Center for Disease Control states that these compounds have negative impacts on human health and can increase rates of cancer, reproductive illnesses, immune disorders, and asthma. Massachusetts already has the eighth highest asthma rate in the United States [data from 2004]. And today nearly one out of every ten students in Massachusetts has asthma. If harmful emissions

from burning C&D wood as biomass make their way into our air, the condition will only become worse.

If the DOER adopts this change and classifies C&D wood as an eligible biomass fuel source, pressure treated wood and wood with lead paint will be incinerated. Pressure treated wood contains a variety of chemicals, including arsenic. Arsenic may interfere with normal lung development in children and predispose newborn babies to respiratory distress. C&D wood also includes wood with lead paint. Lead has been linked to birth defects, learning disabilities, and reproductive health challenges such as premature births and effects on the male reproductive system. Painted wood may also include mercury and cadmium. Many water-based paints including interior paints have, until recently, used mercury as a fungicide/mildew inhibitor. Mercury is a bioaccumulant that attacks the brain as it is developing and has a wide range of effects including developmental delays, cerebral palsy, blindness, and seizures. Cadmium has been used as a pigment in paint that can also interfere with human reproduction and development. Additionally, exposure to cadmium has been linked specifically to possible increases in respiratory distress syndrome in newborns.

There is a need for caution before making statewide policy that could have damaging and irrevocable consequences. C&D wood burning, and more generally, waste incineration, are technologies that are extremely difficult to regulate. The toxic chemicals released from this type of incineration are expensive to test for (like dioxin), and can even produce additional byproducts when reaching certain temperatures in the stacks. Incinerators rarely maintain constant temperatures, and would have to undergo daily testing to prove compliance. Furthermore, incinerating C&D wood has the potential to produce toxic ash at the bottom of the stack that has to be disposed of in a hazardous waste landfill. Instead of focusing on risky C&D incineration, we should consider deconstruction and recycling as well as buying less toxic building materials.

Without a concrete sorting plan proposed to ensure that C+D wood is clean and chemical-free and without a comprehensive plan for emissions testing of biomass plants, there is no foundation in place to support this hazardous proposal. Air and water pollution attributed to the burning of toxic construction and demolition wood will threaten the health of Massachusetts citizens and the environment that both residents and visitors value. Defining the wood included as eligible biomass fuel as virgin will benefit the people of Massachusetts, will keep tourists coming to the state, and will protect the health of future generations.

Massachusetts residents have a right to breathe air and drink water that is free of contamination. We urge you to remove construction and demolition wood and wood pallets from the definition of eligible biomass fuel in the Proposed Revisions to the Massachusetts Renewable Energy Portfolio Standard, 225 CMR 14.02. We need to prevent what should be clean and renewable energy facilities from putting our health, our children, and our environment at risk.

Thank you for the opportunity to provide these comments.

Sincerely,

Sylvia Broude
Community Organizer